REMARKS

In this response Claims 1 and 19 have been amended .Claims 1-5, 7-11, 13-17, 19, 20 and 22-29 are pending.

Reconsideration of this application is respectfully requested.

Claim 1 has been amended to delete the term "of a given hardness" in lines 2-3. The term "ranging from" has been changed to "between " in line 3, and the term "similar' in line 20 has been amended to call for "about the same size as" These amendments are supported by the disclosure in the last sentence of paragraph 0053 of the published application. The term "and a hardness greater than said hardness of the starting material" has been deleted. No new matter is added by these claim amendments.

Rejection under 35 U.S.C.§ 112 First Paragraph

The rejection of the claims for failing to comply with the written description requirement of 35 U.S.C.§ 112 first paragraph is not believed to be well taken and is respectfully traversed.

The Examiner contends that there is no support for the initial size of the particles being between 1μ and 5mm or for the terms "similar size". It is respectfully submitted that both terms are fully supported by the specification (see for example the last two sentences of paragraph 0053 0f the published application). The clear import of these sentences is that the final particle is about the same size as the starting particle which is anywhere between 1μ and 5mm. Those skilled in the art reading this portion of the specification would clearly understand that the inventor was in possession of the starting particle size feature of the claimed invention since the size range in the claim is specifically set forth in the specification. The specification conveys with reasonable clarity to those skilled in the art that as of the filing date, the inventor was in possession of the invention now claimed. See e.g. *Vas-Cath, Inc v Mahurkar* 935 F.2nd at 1562-64 (Fed. Circ. 1991). Accordingly the rejection of the claims under 35 USC 112 first paragraph

as to the starting particle size range should be withdrawn. Since the "hardness" and "similar" limitations have been deleted from the claim, the rejection as to these features is moot.

Withdrawal of the rejection under 35 U.S.C. § 112 first paragraph is believed to be in order and such action is respectfully requested.

Rejections under 35 U.S.C. §112 Second Paragraph

The rejection of the claims for indefiniteness as to the terms "similar" is believed to be moot since this term has been eliminated from the claims.

Rejection Under 35 U.S.C. § 103

The rejection of claims 1, 3-5, 7-10,13, 17, 19, 24 and 26 as being obvious over the teachings of Kruse taken with Rudy is respectfully traversed.

The Examiner contends that Kruse teaches "...especially in ex. 1, grinding (thus homogenizing)...". This is not correct because in the field of metallurgy, grinding is not the same as homogenizing. In the metallurgical field the term "homogenize"(or "homogenization") means to "To hold metal at a high temperature long enough to eliminate by diffusion any chemical segregation of the components." (See definition of "homogenize" in McGraw-Hill Dictionary of Scientific and Technical Terms, Copyright 1974-copy attached). This is clearly not the same as grinding and is not taught or suggested in Kruse. Thus Kruse does not teach or suggest "homogenization" (as called for in the present claims, but only "grinding" which is not the same operation. For this reason the Examiners obviousness rejection is unfounded. In simple terms Kruse does not teach or suggest "homogenization" of particles as defined in the present claims .Contrary to the Examiners assertion on page 2 of the Official Action the grinding in ex. 1 of Kruse is not "homogenizing" as the term is used in the field of metallurgy and in the specification and claims of the present application.

Rudy does not teach or disclose homogenization and does not overcome the deficiencies of Kruse.

Based on the preceding comments and amendments, the rejection of claims 1,3-5, 7-20, 13, 17, 19, 24 and 26 under 35 USC § 103 for obviousness in view of Kruse and Rudy is not well taken and should be withdrawn.

In view of the comments and amendments set forth above, the present claims are believed to be in condition for allowance and such action is earnestly solicited.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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